

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
Civil Action No.: 1:22-cv-254**

**DAKOTA HEALEY, individually and on )  
behalf of all others similarly situated, )**

**Plaintiff, )**

**v. )**

**COPPER PENNY RUTHERFORDTON, )  
LLC, and MICHELLE GREF, )**

**Defendants. )**

**UNOPPOSED MOTION FOR  
APPROVAL OF SETTLEMENT  
OF COLLECTIVE ACTION**

Plaintiff Dakota Healey (“Named Plaintiff”), through her undersigned counsel, respectfully moves this Court for an Order:

1. Certifying an FLSA Collective Action solely for settlement purposes under the Fair Labor Standards Act pursuant to 29 U.S.C. § 216(b) for a group of similarly situated individuals (“Settlement Collective Members”) consisting of:

(i) the Named Plaintiff; (ii) all Persons employed by Defendants at Copper Penny Rutherfordton, LLC as a Tipped Employee, who were paid an hourly rate of less than minimum wage and were required to share tips with non-Tipped Employees at any time between March 1, 2022 and November 27, 2022 (“Settlement Collective”).

2. Approving the Settlement Agreement and its terms as fair, reasonable, and sufficient and directing that the Lawsuit be dismissed with prejudice and in full and final discharge of any and all Participating Collective Members’ Released Claims, including Named Plaintiff’s Released Claims, but retaining jurisdiction to enforce the terms of the Settlement Agreement. A copy of the proposed Settlement Agreement and Release (“Settlement Agreement”) is attached as Exhibit 1 to Plaintiff’s Memorandum in Support of Motion for Approval of Settlement of FLSA Collective Action.

3. Approving the requested Service Award, Attorneys’ Fee Award, and costs to

Collective Counsel, as well as the designation of the Settlement Administrator and approval of the Settlement Administrator fees.

4. Approving the proposed form of the Settlement Notice and method of distribution as the best notice practicable under the circumstances and as set forth in the proposed Settlement Agreement.

5. Approving the Parties' request that the docket remain open so that a Claim Form may be filed on the docket by Collective Counsel on behalf of each Participating Collective Member.

6. Approving the Parties' proposed method of filing Claim Forms with the Court as fair, reasonable, and sufficient to constitute a consent to join the Lawsuit, as required by 29 U.S.C. § 216(b), on behalf of each Participating Collective Member.

7. Directing that the Gross Settlement Amount be distributed in accordance with the terms of the Settlement Agreement.

8. Defendants do not oppose this Motion. In addition, Defendants have reviewed and authorized filing of the accompanying Memorandum in Support of Motion for Approval of Settlement of FLSA Collective Action as well as the Declaration of Philip J. Gibbons, Jr.

9. A proposed Order is submitted for the Court's consideration.

Respectfully submitted this 26 day of July 2023.

Respectfully submitted,

s/ Philip J. Gibbons Jr.

Philip J. Gibbons, Jr., NCSB #50276

Ethan L. Slabosky, NCSB #59555

Corey M. Stanton, NCSB #56255

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

This is to certify that on July 26, 2023, the undersigned filed the foregoing using the Court's CM/ECF system which will send notification of such filing to the appropriate CM/ECF participants.

s/ Philip J. Gibbons, Jr.  
*Attorney for Plaintiff(s)*